

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**OLLIE GREENE, Individually as the surviving parent of WYNDELL GREENE, SR., WILLIAM GREENE, as the Administrator of the Estate of WYNDELL GREENE, SR., and MARILYN BURDETTE HARDEMAN, Individually and as the surviving parent of LAKEYSHA GREENE,**

**Plaintiffs,**

**V.**

**TOYOTA MOTOR CORPORATION,  
TOYOTA MOTOR ENGINEERING &  
MANUFACTURING NORTH AMERICA,  
INC., TOYOTA MOTOR SALES USA,  
INC., VOLVO GROUP NORTH  
AMERICA, LLC., VOLVO TRUCKS  
NORTH AMERICA, A DIVISION OF  
VOLVO GROUP NORTH AMERICA,  
LLC., STRICK TRAILERS, LLC, JOHN  
FAYARD MOVING & WAREHOUSE,  
LLC, and DOLPHIN LINE, INC.**

## Defendants.

**CAUSE NUMBER: 3:11-cv-0207-N**

## JURY TRIAL DEMANDED

**PLAINTIFFS' RESPONSE TO DEFENDANT JOHN FAYARD MOVING &  
WAREHOUSE, LLC'S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE COURT:

Ollie Greene, Individually and as parent of Wyndell Greene, Sr., William Greene, as Administrator of the Estate of Wyndell Greene, Sr. and Marilyn Burdette Hardeman, Individually and the parent of LaKeysha Greene (collectively “Plaintiffs”) file this Response to John Fayard Moving & Warehouse, LLC.’s (“Fayard”) Motion for Summary Judgment and show the Court as follows:

Procedurally, the Court should strike and/or dismiss the Fayard's motion for summary judgment since it violates Local Rule 56.3(d). In addition, the Court should strike and/or dismiss

Fayard's Motion for Summary Judgment pursuant to the Motion for Sanctions for Spoliation of Evidence filed by Plaintiffs. Moreover, as demonstrated in Plaintiffs' Brief in Opposition to Fayard's motion for summary judgment, Fayard is not entitled to summary judgment on any of the claims asserted by Plaintiffs. For the reasons set forth in Plaintiffs' Response and Brief in Opposition to Fayard's Motion for Summary Judgment, summary judgment in favor of Fayard is not appropriate since Plaintiffs have evidence of the elements of each cause of action and the law does not provide that Fayard is entitled to the relief sought in Fayard's Motion for Summary Judgment.

Therefore, Plaintiffs pray that Fayard's Motion for Summary Judgment be denied in their entirety and that Plaintiffs be granted all relief, at law and in equity, to which they are entitled.

Respectfully Submitted,

/s/ Aubrey "Nick" Pittman

AUBREY "NICK" PITTMAN  
State Bar No. 16049750

**THE PITTMAN LAW FIRM, P.C.**  
100 Crescent Court, Suite 700  
Dallas, Texas 75201-2112  
214-459-3454  
214-853-5912 – fax  
pittman@thepittmanlawfirm.com

/s/ Daryl K. Washington

DARYL K. WASHINGTON  
State Bar No. 24013714

**LAW OFFICES OF DARYL K. WASHINGTON  
P.C.**  
325 N. St. Paul St., Suite 1975  
Dallas, Texas 75201  
214-880-4883  
469-718-0380 - fax  
dWASHINGTON@dwashlawfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2013 the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Aubrey “Nick” Pittman  
AUBREY “NICK” PITTMAN